

MINUTE ENTRY

10:05 a.m.

UNITED STATES OF AMERICA -v- FRANCIS YANGIRELFIL

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
JAMIE BOWERS, Assistant U. S. Attorney
STEVEN PIXLEY, Counsel for Defendant
FRANCIS YANGIRELFIL, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Steven Pixley. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended a sentence of probation. Defense recommended a sentence of probation and if the Court is considering a fine that it be at the low end of the recommendation.

Defendant made his allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant FRANCIS YANGIRELFIL is hereby sentenced to a term of two years probation. The term probation will commence immediately and will require that the defendant comply with the following conditions:

1. That the defendant shall not commit another federal, state or local offense;
2. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days after sentencing and at least two periodic drug test thereafter to determine use of a controlled substance;
3. That the defendant shall submit to the collection of a DNA sample at the direction of the United States Probation Office;
4. That the defendant shall comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. Â§3563;

5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or have such where he resides;

6. That the defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without prior approval of the probation officer;

7. That the defendant must provide the probation officer access to any requested financial information; and

8. That the defendant shall obtain and maintain gainful employment.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. Court ordered that a fine of \$1000 be imposed.

No objection to the sentence by the attorneys. Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal.

Adj. 10:25 a.m.

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